IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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C.W.P NO.5732 OF 2006

Date of decision : December 19, 2006

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Des Ran & another .....Petitioner

Vs.

State of Haryana and others .....Respondents

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CORAM: HON'BLE MR. JUSTICE VINEY MITTAL
HON'BLE MR. JUSTICE M.M.S BEDI

Present: Sarvshri P.K Ganga and Jagdish Manchanda, Advocates for the petitioner(s).

Mr. Harish Rathee, Senior Deputy Advocate General, Haryana.

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Viney Mittal, J. (Oral)

This order shall dispose of Civil Writ Petitions No. 5732,6319,9194,9118 and 12710 of 2006, as similar facts and common controversy is involved in all these cases. For the sake of connivence facts are borrowed from CWP No. 5732 of 2006.

The petitioners have challenged the order dated March 14, 2006, Annexure P-2, whereby the work of Accountant assigned to the petitioners on March 26, 2002 has been ordered to be withdrawn. The petitioners claim that this amounts their reversion.

The claim of the petitioners has been contested by the respondents. In the written statement filed by respondents no. 1 & 2, the following preliminary submission has been raised:

"That the post of Accountant is covered and governed by the Haryana Municipal Services (Integration, Recruitment and Conditions of Service) Rules 1982 and this post is 100 percent promotional post for which six papers of departmental Accountant examinations are required to be passed and only such persons can be appointed/promoted to the post of Accountant who have passed all six papers. Due to scarcity of staff some of the persons including petitioners who have passed four or five papers of the departmental Accountant examinations were assigned the duty of Accountant in their own pay scale. Copy of the order has been awarded as Annexure P-1 with the writ petition.

That the petitioners have tried to mislead this Hon'ble Court because neither they have promoted to the post of Accountant nor have been reverted now. In fact the duty of accountants were assigned to them only as a stop gap arrangement. It is also relevant to mentioned here that the answering respondent is duty bound to implement the instructions issued by the Chief Secretary to Government Harayna from time to time. To comply with the instructions issued by the Chief Secretary to Govt. Haryana vide their letter No. 62/30/2005-2 GSI, dated 9.6.2005 and letter dated 17.2.2006, the work allotted to the petitioners has been withdrawn. In view of this, the present writ petition has no force in the eyes of law and hence deserves to be dismissed. A copy of order vide which the work of Accountant from petitioner has been withdrawn is already annexed as Annexure P-2 with the writ petition."

Keeping in view the stand taken by the official respondents, it is apparent that petitioners were, at no point of time, granted any departmental promotion nor they were granted any extra monetary benefits. Merely some additional accountancy work was assigned to them on account of scarcity of staff. The petitioners cannot claim any vested right in the aforesaid assignment. The withdrawal of the additional work cannot be

treated to be reversion.

Dismissed.

(VINEY MITTAL)
JUDGE

December 19, 2006
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(M.M.S BEDI)
JUDGE